

JUN 29 2005

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FILED

JUL 12 2005

LORETTA G. WHYTE  
DOCKET NO. 1657JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUN 13 2005

FILED  
CLERK'S OFFICE

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE VIOXX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

## CONDITIONAL TRANSFER ORDER (CTO-14)

FILED BY  
JUL 25 2005Thomas M. Gould, Clerk  
U. S. District Court  
W. D. OF TN, Jackson

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 542 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

*Michael J. Beck*Michael J. Beck  
Clerk of the PanelInasmuch as no objection is  
pending at this time, the  
stay is lifted.

JUN 29 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONCLERK'S OFFICE  
A TRUE COPY

JUL 20 2005

Deputy Clerk, U.S. District Court  
Eastern District of Louisiana  
New Orleans, LA

05-1120

16

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA  
OFFICE OF THE CLERK

LORRETTA G. WHYTE  
CLERK

500 POYDRAS ST., SUITE C-151  
NEW ORLEANS, LA 70130

July 21, 2005

Robert DiTrollo, Clerk  
United States District Court  
Western District of Tennessee  
111 S. Highland  
Jackson, TN 38301

FILED BY sh D.C.  
05 JUL 25 PM 1:49  
THOMAS H. COULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

In Re: MDL 1657 Vioxx Products Liability Litigation L (3)

Dear Mr. DiTrollo:

Enclosed are certified copies of a transfer order received from the Multidistrict Litigation Panel in Washington, D.C. It instructs that the cases listed on the attached page be transferred to our district for disposition pursuant to Title 28 USC 1407, as soon as possible. Our office has assigned new civil action numbers to these cases as referenced on the attached page.

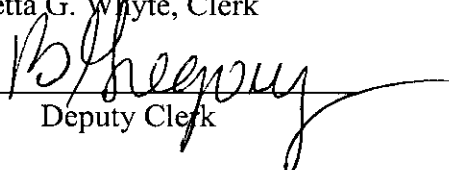
**DO NOT FORWARD THE ORIGINAL RECORD.** The Honorable Eldon E. Fallon, U.S. District Court Judge issued an order directing that the transfer of records consist of only a certified copy of the complaint (including notice of removal, if applicable), any amendments, the docket sheet and the MDL Transfer Order, together with a copy of the transfer letter be forwarded to the transferor court.

**Due to the high volume of cases involved in this litigation please provide paper copies of the above documents instead of simply referring to your website.**  
Your prompt attention in this matter is greatly appreciated.

Should you have any questions regarding this request, please contact Dina Guilbeau at (504)589-7704.

Very truly yours,  
Loretta G. Whyte, Clerk

By

  
Deputy Clerk

Enclosures  
cc: Judicial Panel on Multidistrict Litigation

05-1120

<u>Your Case Nos.</u>	<u>Case Title</u>	<u>Our Case Nos.</u>
1:05-1119	Betty E. Kreider v. Merck & Co., Inc.	05-2963 L (3)
1:05-1120	Evelyn S. Ellison v. Merck & Co., Inc.	05-2964 L (3)
1:05-1121	Teresa A. Davis v. Sarah Capocaccia, et al	05-2965 L (3)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

Thomas M. Gould  
Clerk of Court

111 South Highland Ave., Room 262  
Jackson, Tennessee 38301  
731-421-9200  
731-421-9210 Fax

July 27, 2005

United States District Court  
Eastern District of Louisiana  
500 Poydras St., Room C-151  
New Orleans, LA 70130

RE: Evelyn S. Ellison vs. Merck & Co., Inc., Et al.,  
05-2964 L (3) -Your Case No.  
05-1120 T/An -Our Case No.

Dear Clerk:

Pursuant to the Conditional Transfer Order (CTO-14) the above referenced case has been transferred to the United States District Court for the Eastern District of Louisiana . Please find enclosed a certified copy of the Notice of Removal, Lower Court Complaint, Docket Sheet, MDL Transfer Order, and a copy of the transfer letter to the transferor court. I am also enclosing a copy of this cover letter and requesting that you acknowledge receipt and return it to our office in the provided envelope. Thank you for your attention in this matter.

Thomas M. Gould, Clerk

BY:   
Deputy Clerk

ENCLOSURES



## Notice of Distribution

This notice confirms a copy of the document docketed as number 16 in case 1:05-CV-01120 was distributed by fax, mail, or direct printing on July 27, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT